

LeCLAIR RYAN, a Professional Corporation  
830 Third Avenue  
New York, New York 10022  
Telephone: (212) 430-8032  
Facsimile: (212) 430-8062  
Michael T. Conway, Esq. (MC 2224)

and

LeCLAIR RYAN, a Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street  
P.O. Box 2499  
Richmond, Virginia 23218-2499  
Linda B. Georgiadis, Esq.  
Paul D. Anders, Esq.  
Telephone: (804) 783-2003  
Facsimile: (804) 783-2294

Attorneys for Defendants  
*VCU Health System, MCU Hospitals &  
Physicians d/b/a VCU Medical Center,  
John M. Kellum, M.D., Aaron Scott, M.D.,  
Mark Willis, M.D., Norman Bordman, M.D.,  
Eliot Ganyon, M.D., Andrea Pozez, M.D.,  
John C. Hogan, M.D., and Michael Aboutanos, M.D.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

DAVID LION,

Plaintiff,

v.

VCU HEALTH SYSTEM, MCU HOSPITALS  
& PHYSICIANS d/b/a VCU MEDICAL  
CENTER, et al.,

Defendants.

---

Case Number: 07 CV 3129 (SCR)

**DECLARATION OF  
MICHAEL T. CONWAY IN SUPPORT OF  
MOTION TO DISMISS**

**MICHAEL T. CONWAY**, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner in the firm of LeClair Ryan, a Professional Corporation, counsel for Defendants VCU Health System, MCU Hospitals & Physicians d/b/a VCU Medical Center, John M. Kellum, M.D., Aaron Scott, M.D., Mark Willis, M.D., Norman Bordman, M.D., Eliot Ganyon, M.D., Andrea Pozez, M.D., John C. Hogan, M.D., and Michael Aboutanos, M.D. in the above-captioned matter. I respectfully submit this Declaration of my own personal knowledge in support of Defendants' motion to dismiss the complaint filed by Plaintiff on or about April 19, 2007 (the "Complaint").

2. Annexed hereto as Exhibit "A" is a true and correct copy of the Complaint.

3. Annexed as Exhibit "B" is the Declaration of Sheldon Retchin, M.D., made in support of the present motion to dismiss the Complaint.

4. Annexed as Exhibit "C" is the Declaration of John M. Kellum, M.D., made in support of the present motion to dismiss the Complaint.

5. Annexed as Exhibit "D" is the Declaration of Aaron Scott, M.D., made in support of the present motion to dismiss the Complaint.

6. Annexed as Exhibit "E" is the Declaration of Mark C. Willis, M.D., made in support of the present motion to dismiss the Complaint.

7. Annexed as Exhibit "F" is the Declaration of Norman Douglas Boardman, III, M.D., made in support of the present motion to dismiss the Complaint.

8. Annexed as Exhibit "G" is the Declaration of Elliott Gagnan, M.D., made in support of the present motion to dismiss the Complaint.

9. Annexed as Exhibit "H" is the Declaration of Christopher J. Hogan, M.D., made in support of the present motion to dismiss the Complaint.

10. Annexed as Exhibit “I” is the Declaration of Michel Aboutanos, M.D., made in support of the present motion to dismiss the Complaint.

11. Annexed as Exhibit “J” is the Declaration of Andrea Pozez, M.D., made in support of the present motion to dismiss the Complaint.

12. Annexed as Exhibit “K” is a true and correct copy of the case entitled: *Sabatino v. St. Barnabas Med. Ctr.*, 2005 U.S. Dist. LEXIS 20647 (S.D.N.Y. Sept. 20, 2005).

13. Annexed as Exhibit “L” is a true and correct copy of the case entitled: *Rivera v. Atlantic City Med. Ctr.*, 2006 U.S. Dist. LEXIS 15843 (S.D.N.Y. Mar. 30, 2006).

14. Annexed as Exhibit “M” is a true and correct copy of the case entitled: *Standley v. Lyder*, 2001 U.S. Dist. LEXIS 2274 (S.D.N.Y. Mar. 7, 2001).

15. Annexed as Exhibit “N” is a true and correct copy of the case entitled: *Gupta v. Rubin*, 2001 U.S. Dist. LEXIS 450 (S.D.N.Y. Jan.25, 2001).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 15, 2007

/s/ Michael T. Conway  
Michael T. Conway